G. R. S. 58

Previous references.

Sep/207 SS 1-2. SSA 766-07
SSA 524-07

1907-8

(SSA)

Later references.

HA 79-19 No: 62, 13 Nov 1919

File No. 508

Serial Nos. 1—4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—4

Part B. for July 1908

SUBJECT.

Sanctioning the grant of an extraor
pension to Kulsam Bi, widow of Shei
Farid, Lance deffedar, Chamarajan
Taluk.

From the Private Secy. no. 2122 & b.3.
Forwards for submission of papers in the
case, the memorial of Kulsamibi on the
above subject.

To the I.G. of Police no. 74365 &
Forwards the petition for ex, ahre

GPB...8,000—7-4-07

From the I.G. of Police no. 64157 & 35
Returns the petition and invites a
to Go. no. 71-1140-1 & 9.07.

[R.S. 11]

1907.—08

GENERAL AND REVENUE SECRETARIAT.

Sta)

NOTES.

File No. 508

FILE HEADING.

Extraordinary pension to the family of Shaik Fareed Police Lance Duffedar No 169 of Thanjavur nagar Taluk

From

The Private Secy to H. H. the Maharaja

No. 2122 Dated 6-3-08 Received 7-3-08

Diary No. 3387	Enclos. 2	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for submission of papers in the case of Koolsoom Bi widow of Shaik Fareed State died of plague caught while in the execution of for the grant of an extry pension to her.

NOTES AND ORDERS.

The Private Secretary has called for the paper in the case. Sta 766 of 06 on the subject is put up. The circumstances under which the claim of the family of the deceased to extry pension was not upheld are expl

GPB—30,000—20-3-06.

Serial No.

pages 2, 3 and 4 of the office note therein.

2. The petitioner says that her husband was specially deputed ~~to the~~ plague duty and that he died of plague "caught by having the infected sick patient in the Chamarajnagar Police station alone". Under art. 394 of the M. S. Regns, if a police officer dies of plague contracted in the execution of his duties in plague-stricken localities and if his duties were such as to force him into a position entailing imminent risk of infection his family is entitled to an extraordinary pension. In the present case, the Dy Commr of the Mysore Dt has reported in his letter No. 369 d 21-1-07 to the I. G of Police in Mysore that the petitioner's husband prior to catching infection, was patrolling the town of Chamarajnagar which was infected, and had to visit the plague patients during

Serial No.

his rounds so as to render assistance to them and that he was therefore obliged to run the imminent risk of catching infection while in the execution of his duty.

Subd to Secy
DMB
20/3/08

21.3.08 Submd to Devan through 2nd Cr

SBB
24/3/08

25/3

Please put up also file no 409 of 05-06, bearing on the same subject

KPN
20/3/08

Be put up below.

The present petition of the widow contains some more particulars. It may be referred to the Dy Commr for report

KPN
28/3/08

Dy Commr. to report

28/3

3387 + 3897

Sta File No. 508 of 1907-08.

Serial No.

Draft subd
DMB
30/3/08.

Issue
1.4

N 80/3

To the I G of Police No. 7L 4965 d: 4/4/08
Forwards the petition for a very early report.
From the I. G of Police No. 6415/635 d: 11-4-08
returns the petition and invites attention to
G.O No. 7L 1140-1/Sta 766-06-2 d: 6-9-07.
The I. G of Police invites attention to the
G.O. previously passed declining to
sanction the pension and returns the
petition to Govt. He should have, on
the other hand, forwarded the petition to
the Dy. Commr., obtained a report from
him and subd it to Govt. Perhaps
he thought that such a course was
unnecessary as he and the Dy Commr
had already written to Govt upholding
the claim and it was the Govt that
rejected it.
Subd Lisey
DMB
14/4/08.

15.4.08

The only fact mentioned by the
petr is that her husband was specially
deputed to do plague duty in Chamrajnagar.
This was already reported by the Police Supt
in his letter 640 dy 30/6/06 in File 766 of 1906.

G. P. S. 12]
General and Revenue Secretariat.

S&A File No. 508 of 1907

Serial No.

The petr also says that when her husband caught the infection he was kept in the police Stn itself & treated there & that he died there.

It does not seem necessary to call for any further report from the Dy Cmr

2nd Cr

ESB
28/5
29/4

Papers may be submitted as called for by the Private Secretary to H H the Maharaja.

29/4/08.

29/4

Submd to Dewan.

The papers have been called for by to be submd to His Highness

ESB
2/5/08

Submitted to His Highness.

As called for in the Private Secretary's memorandum No.2122 dated the 6th March 1908, I submit herewith the file of papers relating to the praye of Kulsoom Bi, widow of the late Sheik Fareed, Police Lance Duffedar of Chamarajanagar Taluk for the grant of an extraordinary pension to her.

9/5/1908

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Petition of Kulsoom Bi, widow of the late Sheik Fareed, Police Lance Duffedar of Chamarajanagar Taluk for the grant of an extraordinary pension to her

This appears to me to be a hard case more particularly in view of the fact that the circumstances of the L.Duffedar's death would seem to bring his case within the scope of the principles laid down. The Comptroller in his Memo of the 24th July 1906 laid it down that there should be "some act which brought them in direct contact with infection, to justify the grant of extraordinary pension". Again in the Comptroller's letter no 409 (3327-Pen 350) of the 16th December 1905 it is stated that it must be proved beyond doubt that death was a natural consequence of the discharge of duties involving imminent risk and known positively to exist before entering upon the discharge of such duties. The

The reports of the I.G.P and the D.S.P. show conclusively that the man was employed on duty which absolutely brings his case within the terms of these principles, if words have any meaning at all, viz: the patrolling of an infected town and giving the ordinary assistance which is required from the police in connection with plague and which includes the assisting of plague patients. Yet the claim was rejected. To require absolute proof of the actual means by which the man who died of plague contracted the infection is to ask for an impossibility. It would imply the personal identification of the flea that conveyed the virus.

I shall be obliged if the Admin and Council will reconsider the specific case, and also the principles on which such pensions are to be granted and submit their recommendations to me. As the I.G.P points out, Police subordinates are exposed without any choice to grave risks at times of plague epidemics and it is only just that the rules, which govern the grant of gratuities or pension in the case of their death, should be framed and administered in an equitable and reasonable spirit.

KRW
6/5/08

5/5/08
submitted to Exec in the first instance
Exec 13/5/08 12/5/08 15/5

Secy
Adv
Mayor

And before the
Case comes up
at Council meeting
I should like to have
an opportunity to
study the Case —

12 May 08

13/5

Annual Bd

The file is noted 6/5/08
Co for perusal. It is not
known whether it will be
brought up for discussion
at a meeting. The
Finance Department should be given
an opportunity also to record
a note of his views on the subject
of the act. 14/5/08

15/5/08

Art: 394 of the Mysore Service Regns
prescribes as follows:—
If a person employed in the Service
of Govt dies in the performance
of a duty which is attended
with extraordinary bodily risk
his family is entitled to a

Serial No.

extraordinary pension. To give an idea of duties attended with extra-ordinary bodily risk, the following examples of cases of ordinary accident are given:— A policeman falling from a horse; a policeman on escort duty killed by sunstroke, a lascar killed by the snapping of a hawser; a labourer falling under a burden. From these it appears that the duties should be such as in the performance of which risk positively exists and escape is providential. On this principle, the following provision has been made with regard to policemen dying of plague.

"But a policeman who dies of "plague contracted in the execu-"tion of his duties in plague-"stricken localities, may be "considered as having been "~~killed~~ killed in the performance "of a duty attended with "extraordinary bodily risk, pro-"vided that the duties (whether "induced or connected with

Serial No.

"plague) of the deceased person such as to force him into a position entailing imminent risk of infection"

And it is to this principle that in letter No. 3327-Pen: 350 dt: the 16th Decr 05 the late Lieutenant Mr N. G. Basu invites attention and solicits strict adherence. This stands the principle.

2. It is only in the application of this principle that difficulties arise. All policemen dying of plague cannot, as a rule give rise to a claim for extraordinary pension. Do their duties differ? As for example, (1) One is an officer patrolling an infected area, (2) another rendering help to sick patients, (3) a third removing dead bodies, (4) a fourth assisting in the disinfection of infected houses, (5) a fifth living in the infected area exposed to the danger as every other human being and controlling the whole staff of policemen

Serial No.

and so on. Of these, it is only in the cases of those whose duties are exposed to positive risk X that an entry pension can be granted. As a guide to the application of this principle, the following note has been ~~made~~ added to the art: 394 of the Mysore Service Regulations:—

"It should be observed that this "rule being based upon the ana-"-logy of the Regulations for the "grant of pensions to soldiers "wounded and to the families "of soldiers killed in action, "the Gov^t is compelled strictly "to limit its application to "the cases for which it is "intended to provide; and "moreover, that it is obviously "inexpedient for the Gov^t to "dispense charity in indi-"-vidual cases, or to do any-"-thing which might weaken "the inducements to officers "to secure proper provision for

their

G. R. S. 12]
General and Revenue Secretariat.

Sta File No. 508 of 1907

Serial No.

their families
Subd to Secy
DMZ
16/5/08. } 20/5/08
N 16/5

Please also put up a copy of the Army regns referring to pensions to families of soldiers killed in action

KB
28/5
} 30/5

A copy is put up. (Please see paras ~~152~~ 1052 to ~~169~~ 1068 pages 194 to 198)
subd. DMZ
26/5/08 } 27/5/08
Secy)

The requirements of Article 394 are: (1) that the deceased must have been engaged on a duty (whether ordinary or connected with plague) attended with extraordinary bodily risk, in the sense of forcing him into a position entailing imminent risk of infection;
(2) that death must have ensued.

Serial No.

in the performance of such duty, and not merely as the result of an accident.

In the present case, the petitioner's deceased husband was engaged in patrolling an infected locality and visiting and rendering help to plague patients during his rounds. The duty evidently was one which faced the man into a position "entailing imminent risk of infection." He himself caught the infection in the performance of such duty, and died as the result thereof; there is nothing in the facts reported to suggest that infection was accidental or due to the neglect of ~~obvious~~ obvious precautions. The case therefore falls clearly within the scope of Article 394, and allows of an extraordinary pension being granted to the widow of the deceased.

Articles 393 & 394 of the Regulations are based on Arts. 781 and 782 of the Civil Service

Serial No.

Regrs in force in British India.
It seems to me that the rule itself as laid down in these articles is all right and requires no amendment; and that what is wanted is a fair and reasonable application of the spirit of the rule to cases that actually arise.

To Devan thro' 1st & 2d Crs. 16.6.08

The rules require no amendment.

An extraordinary pension may be sanctioned to the widow (Kulsum bi) of the deceased Constable Sheik Farid. The view of the case taken by Messrs M N Krishna Rao & Mozumdar & Carey in by me is not borne out by facts since ascertained. 17/6/08

I think so too. In the present

G. R. S. 12]

General and Revenue Secretariat.

File No. of 190

Serial No.

Case the Claim appears to be all the stronger because a Plague patient was lodged in the Police station in which the deceased Constable was doing duty. The amount may be fixed with a regard to the scale given in article 401 (iii) — a pension not exceeding half the pay of the deceased officer; — or article 403 A — a gratuity not exceeding Rs 200 or a pension not exceeding Rs 10 a month. Sd/ 19 June 08

W 20 8 08

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Orders of His Highness on the memorial of Kulsoom Bi, widow of the late Sheik Fareed, Police Lance Duffedar of Chamarajanagar Taluk for the grant of an extraordinary pension to her.

CIRCULATED TO COUNCILLORS.

By Order,

Under- *Secretary.*

14th May 1908

Ananda Row, Esq., B.A.,
First Councillor.

Seen by the Councillor

K. P. Puttanna Chetty, Esq.,
Second Councillor.

9471
21/6/08

Submitted to His Highness.

As directed by His Highness in order date
th May 1908, the question of the grant of an extra
rdinary pension to Kulsambi, widow of Shek Farid,
ance Duffedar, Chamarajnagar Taluk, who died of
lague while in the execution of his duty, and the
rinciples on which such pensions are to be granted
have been further considered.

In the specific case under reference, it
clear that the deceased Duffedar was deputed on pla
duty, that he was visiting infected houses and rend
ing help to plague patients, and that he caught the
infection in the performance of such duty. The As-
sistant Secretary, Financial Branch, and the late
Financial Secretary, Mr. Majumdar, were of opinion
that the case did not fall under Article 394 of the
Service Regulations, and the Second Councillor by w
the case was disposed of, accepted their opinion.
now considers that "the view of the case taken by
Messrs. M.N. Krishna Rao and Majumdar and concurred
in by him is not borne out by facts since ascertain
and thinks that an extraordinary pension may be gra
ed to the widow of the deceased Duffedar.

The First Councillor concurs in this view

I am of opinion that a pension is clearly
admissible under Article 394 of the Service Regula-
tions, and will, if approved, sanction a pension eq
to half the pay of the deceased, under Article 401
(iii).

As regards the principles on which such pensions are to be granted, I would invite a reference to the Secretary's note of the 16th instant. As pointed out by the Secretary, the Mysore rule is based on the rule obtaining in British India and is sufficient to meet all cases like the present in which the duty performed is one of extraordinary bodily risk. The rule is all right and requires no amendment. What is wanted is a fair and reasonable application of the spirit of the rule to cases actually arising.

Both the Councillors agree that the rule does not require amendment. I agree in this view. The decision in the present case will ensure a more liberal application of the rule in future.

28/5/1908

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Question of the grant of an extraordinary pension to Kulsam Bi, widow of Sheik Farid, Lance Daffedar, Chamarajnagar Taluk, and the principles on which such pensions are to be granted in future.

Order.

Approved

KRW

24/6/08

G.R. S. 12]
General and Revenue Secretariat.

Sta File No. 508 of 1907-08

Serial No.

Draft aud?
27/6/08.

Issue
30/6

To the Deg. Office
Comptroller
no. 71-284-7.08

sanction the grant of an extraordinary pension to the widow of Gurudappa & request the ~~Comptroller~~ Deg. to have her pension application prepared & forwarded to the Comptroller

PRIVATE SECRETARY'S OFFICE
1037
28 FEB 1908

His Highness the Maharaja of
Mysore.

The humble Petition
Kulsoom Bi widow
of late Shaik Fareed
Police Lance Duffa
no 169, of Chamaraj N.
Taluq, now residing
Francis Rockellyso
District with Drill In
tructor Chand Khan

Respectfully Sheweth.

That your Excellency's humble
Memorialist is the widow of the said
deceased, who died in the said Talu
on 1904, by real Caught of Plague,
while he was on duty.

Under article 373 and 374 o
Mysore Service Regulations the
your Memorialist begs to prefe
the appeal to your Excellency to
justice at your Excellent hand

Against the extract of orde
no 4/7352-56 of 4.7.06 of late Comptroll
Mr N. G. Basu M.A, in spite o
all that has been done by him

Received with the Private Secy memo no 2229 6.3.08 for submission of papers with case

PS

Rec 29.2.08

thoughts were otherwise. after
ing some genuine proofs by
our Memorialist her case again
ken into consideration and for
arded her family Pension papers
the Government for sanction,
he Government concurred with
he Statement of the Comptroller
without observing the Genuine
proofs of your Memorialist adduce
to the Government, that the real
death of your Memorialists' hus-
band of Plague caught while he
was on duty and rejected her
family Pension application under
in their proceedings No FL 1140-1st
B 766-06-2 Dated 5th September 07,
Stating that there was nothing
to show that deceased caught
infection while on duty.

That your Memorialist
begs to convince the following
facts of her husband's death
by catch of infection while
he was on duty:—

that he was specially
deputed to the plague duty
by the Government by given
him

nue with an extra allowance of Rs 2/
per month this may be called on the Po
records.

ii. that he was treated by the Me
=Cal authorities of the Town at that tim
of his plague caught by having the in
=fected sick patient in the Chamaraj
Nagar Police Station alone, and he di
in the Police Station and his funeral
Ceremonies were conducted there
alone before the Doctor Mirroomala Ra
and Mr M. S. Puttanniah Amildar
of the Chamaraja Nagar Taluq who
in charge of that Taluq at that time
whose verifications are due to the
Government these officers are wa
known the facts. Besides this a lis
of other officials who were presen
at that time here to annexed with
their names and designations fo
further verifications and perusal

That your memorialist gave
many such instances of the proof
to the Government, but they have
not taken interest to your memoria
humble prayers.

Under these circumstances that y
memorialist earnestly assures you
Excellency to grant her family pensio

or gratuity

Hoping that your Excellency will give this petition your close attention and best consideration in the matter of an unfated widow For which act of charity your Memorialists will pray for ever

I beg to remain
Honored Excellence
your most obedient
and humble Servant

This ○ mark of
Kulsoom Bi willow
of Sheik Fazed deceased.

C/6
Chand Khan
Police Drill Instructor
French Rocks

~~Bang~~

28th February 1908

List showing the names and designat
of other official of Chamaraja Nagar
Taluq who were on Government duti
at the time of Lance ouffadar Shaik
Fareed's death by catch of plague in
infaction on Government duty oth
than the two officials Medical offic
and Amildar whose names are
shown in the Memorial above:—

Police Inspector Mr Ramachandra R
Do. Jamadar " Venkatadasappa
Do Town Writer Sreenivas Rao
Taluq Sheristadar Ramanna
Do Patail Sooblanna

G.R.S. 26]

File No. 508

Serial No. 9

Diary No. of letter replied to 3387

No. H 4965

General and Revenue Secretariat

(Sta.)

, the 190 .

Date of issue 4 April 08

Signed by W C Venkatah

To The I. G. of Police in Mysore

4 April 08

Sir

I am directed to forward herewith for favour of a very early report the petition d the 28th Feby 1908 of Koolsoom bi widow of Shaik Hareed Police Lance Daffedar No 169 of Thamaraj nagar Taluk stating that her husband died of plague caught while in the execution of duty and praying for the grant of an entry pension to her

I have etc

for Secretary

over.

OFFICE OF THE INSPECTOR-GENERAL OF POLICE IN MYSORE,

No. 6415/635 Ear

Dated Bangalore, 11 April 1908.

FROM D. Devaraj Urs Esquire,
~~F. E. C. CARR, Esq.,~~
Inspector-General of Police in Mysore.

To C. S. Balasundaram Iyer Esquire, B.A.,
~~K. S. CHANDRASEKHARA AIYAR, Esq., B.A., B.L.,~~
Secretary to the Government of H. H. the Maharaja of Mysore,
General and Revenue Departments.

SIR

Reference:-

Your letter No.Fl.4965/S.A508-07-2 dated 4th instant, forwarding for report a petition from Koolsoom Bi, widow of Shaik Fareed, late Lance Daffedar No.169 of the Chamrajnagar Taluk praying for an extraordinary pension.

I have the honour to invite kind attention to Government Proceedings No.Fl.1140-1/S.A.766-06-2 dated 5th September 1907 declining to sanction the grant of an extraordinary pension to the family of the deceased.

The enclosure is herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

For Inspector General of Police.

FROM

The Inspector-General of Police in Mysore.

To

The Secretary to the Govt. of H. H. the Maharaja of Mysore, Gen. & Rec. Depts.

Dated 11

Despatched 11 March

Received

General No. 6415

No. 635

Enclosure No. 1

Re Extraordinary Pension to Dawlasum Bi widow of Sheik Fareed late Lee: of No 169 of the Chamarajnagar Taluk.

G.R.S. 28]

File No. 508-

Serial No. 4

Diary No. of letter replied to 389.1

GENERAL AND REVENUE SECRETARIAT.
(Sta)

, the 190

Date of issue 4/July/08

Signed by J W Bulsmith Sec

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ—again:—
Govt Pro: No. 71 1140-
Sta 766-0
d: the 5th September 1907 rejec
the claim to extraordinary pens
on behalf of the family of Shai
Fareed late Daffedar of the —
Chamarajnagar Taluk reported
have died of plague caught wh
~~ORDER THEREON. No.~~
in the execution of duty.
2. Petition dated the 2
February 1908 from Koolsoom
widow of Sheik Fareed Stating
that her husband died of
plague caught while in
the execution of duty an

over

praying for the grant of an extraordinary pension to her.

Order thereon. No 76 71-2 dt 4 July/08
58A508-07-4

The petitioner's ~~deceased~~ husband Lance Duffedar Shek Fareed was engaged in patrolling an infected locality and visiting and rendering help to plague patients during his rounds. The duty (evidently) was one which forced the man into a position entailing imminent risk of infection. He himself caught plague ~~the infection~~ in the performance of such duty and died as the result thereof; there is nothing in the facts reported to suggest that the infection was accidental or due to the neglect of obvious precautions. In these circs. Govt are pleased, ~~to allow~~ ~~uphold the claim on a reconsideration of the~~ ~~case and to allow~~ to sanction the grant of an extraordinary pension to the widow of the deceased.

The I. G of Police is requested

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

to have the usual pension application prepared and forwarded to the Comptroller Garh for verification and report to Garh Jindan.

CSB
30/6
Secretary

MM
7-6-08
20

The I. G. of Police
The Comptroller.